



City of NORFOLK

C: Dir., Department of Planning and Community Development

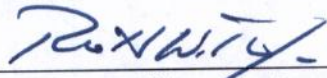
To the Honorable Council
City of Norfolk, Virginia

June 9, 2015

FROM: George M. Homewood, AICP CFM, Planning Director

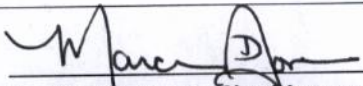
SUBJECT: **The closing, vacating and discontinuing of a portion of Mayflower Road.**

REVIEWED:


Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

APPROVED:


Marcus D. Jones, City Manager

Item Number:

PH-3

I. **Staff Recommendation:** Approval

II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.

III. **Request:** Street closure of an unimproved portion of Mayflower Road north of New Hampshire Avenue and fronting on the east, north and west of Nichal Court.

IV. **Applicant:** Brian and Page Sykes and others

V. **Description:**

- The right-of-way to be closed is located within the Colonial Place neighborhood which is developed primarily with single family homes.
- The right-of-way will be utilized to extend yards for the adjoining properties and to undertake shoreline stabilization/improvement efforts.
 - Any proposed shoreline work impacting wetlands will need to be reviewed and approved by the Norfolk Wetlands Board and any other State or federal agency with jurisdiction.
 - Norfolk Department of Planning Environmental Services staff members have provided preliminary shoreline stabilization designs to the adjacent property owners that illustrate "living shoreline" concepts that have been used successfully in other portions of Colonial Place and are the State preferred method of stabilization.
- A continuous twelve-foot pedestrian easement within the 60 foot right-of-way of Mayflower Avenue will be reserved to guarantee ongoing public access along the waterfront in this area.
 - After review and coordination with both the Norfolk Department of Recreation, Parks and Open Space and the Division of Environmental Services, the public easement is proposed to be located beginning 18 feet from the existing back property lines along the right-of-way placing the northern limit of the easement approximately 30 feet from the existing edge of waterfront.
 - This selected easement location is consistent with other recently completed public waterfront walkway improvement projects in Colonial Place just to the south of this location, considers the boundaries of existing wetlands, and provides space for potential changes in the future to the current shoreline edge as individual stabilization projects are advanced.

- The westernmost lot fronting New Hampshire Avenue contains sufficient area and frontage to allow it to be resubdivided at present, so the addition of the adjacent right-of-way will not allow the creation of any new lots.
- No fees have been charged for this street closure since it creates no new buildable lots.
- The addition of the right-of-way to the adjacent parcels should positively impact the value of these properties.

VI. Staff point of contact: Jeffrey Raliski at 664-4766, jeffrey.raliski@norfolk.gov

Attachments:

- Ordinance
- Staff Report to CPC dated November 14, 2013 with attachments
- Proponents and Opponents

Form and Correctness Approval:

By Nathan Saman
Office of the City Attorney

Contents Approved:

By Joe
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE CLOSING, VACATING AND DISCONTINUING A PORTION OF MAYFLOWER ROAD LYING NORTH OF THE NORTHERN LINE OF NEW HAMPSHIRE AVENUE AND LYING CONCENTRICALLY ON THE EAST, NORTH, AND WEST OF NICHAL COURT; AND ACCEPTING THE DEDICATION OF A PEDESTRIAN EASEMENT BY EACH OF THE ABUTTING PROPERTY OWNERS.

- - -

WHEREAS, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, the City Council has the authority to close, vacate and discontinue public rights of way; and

WHEREAS, the City of Norfolk ("City") has received an application for the closure of a portion of Mayflower Road from the northern line of New Hampshire Avenue and lying concentrically on the east, north, and west of Nichal Court, as described in Exhibit A and shown on Exhibit B, both of which are attached to and made a part of this ordinance; and

WHEREAS, all abutting property owners have been notified of the application and are in agreement that the said portion of Mayflower Road should be closed, vacated, and discontinued; and

WHEREAS, after a public hearing, the City Planning Commission recommended that the said portion of Mayflower Road be closed, vacated and discontinued; and

WHEREAS, the City requires a pedestrian easement, twelve

feet in width, as described in Exhibit C and shown on Exhibit D attached hereto, which easement each of the abutting property owners has agreed to dedicate to the City; and

WHEREAS, the applicant has agreed to pay to the City all costs associated with the publishing of the notice required by Section 15.2-2006 of the Code of Virginia, 1950, as amended; and

WHEREAS, the requirements of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 42-213 of the Norfolk City Code, 1979, which relate to the vacation of public rights of way, have been met; and

WHEREAS, it is the judgment of the Council that the said portion of Mayflower Road is not needed for public use and travel as a public street, and should therefore be closed, vacated and discontinued as a public street of the City of Norfolk; now therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the portion of Mayflower Road, as described in Exhibit A and shown on Exhibit B, both of which are attached hereto, is closed, vacated and discontinued as a public street of the City of Norfolk.

Section 2:- That in consideration of the dedication of a pedestrian easement by each of the abutting property owners as described in Exhibit C and shown on Exhibit D, which easement dedication is hereby accepted, and consistent with City policy regarding the closure of certain streets, the requirements of Section 42-212 of the Norfolk City Code, 1979, are hereby waived.

Section 3:- That upon the effective date of this ordinance, a certified copy shall be recorded in the Clerk's Office of the Circuit Court of the City of Norfolk as deeds are recorded.

Section 4:- That this ordinance shall be in effect from and after thirty (30) days from the date of its adoption.

Mayflower Road



A semi-circular-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being further described as follows: Mayflower Road from a point 30.00 feet north of the northern line of New Hampshire Avenue and the southeastern corner of Lot B, in a northwardly, westwardly and southwardly direction to a point that is 25.00 feet north of the northern line of New Hampshire Avenue and the southwestern corner of Site 1, said Mayflower Road, New Hampshire Avenue and Lot B being shown on a plat entitled, "Plat Showing Re-Subdivision of Sites 3-4-5-6-7 & Part of Site 2, Block 5, Colonial Place," said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, in Map Book 13 at Page 44, and said Site 1 being shown on a plat entitled, "Colonial Place, said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, in Map Book 4 at Page 36.

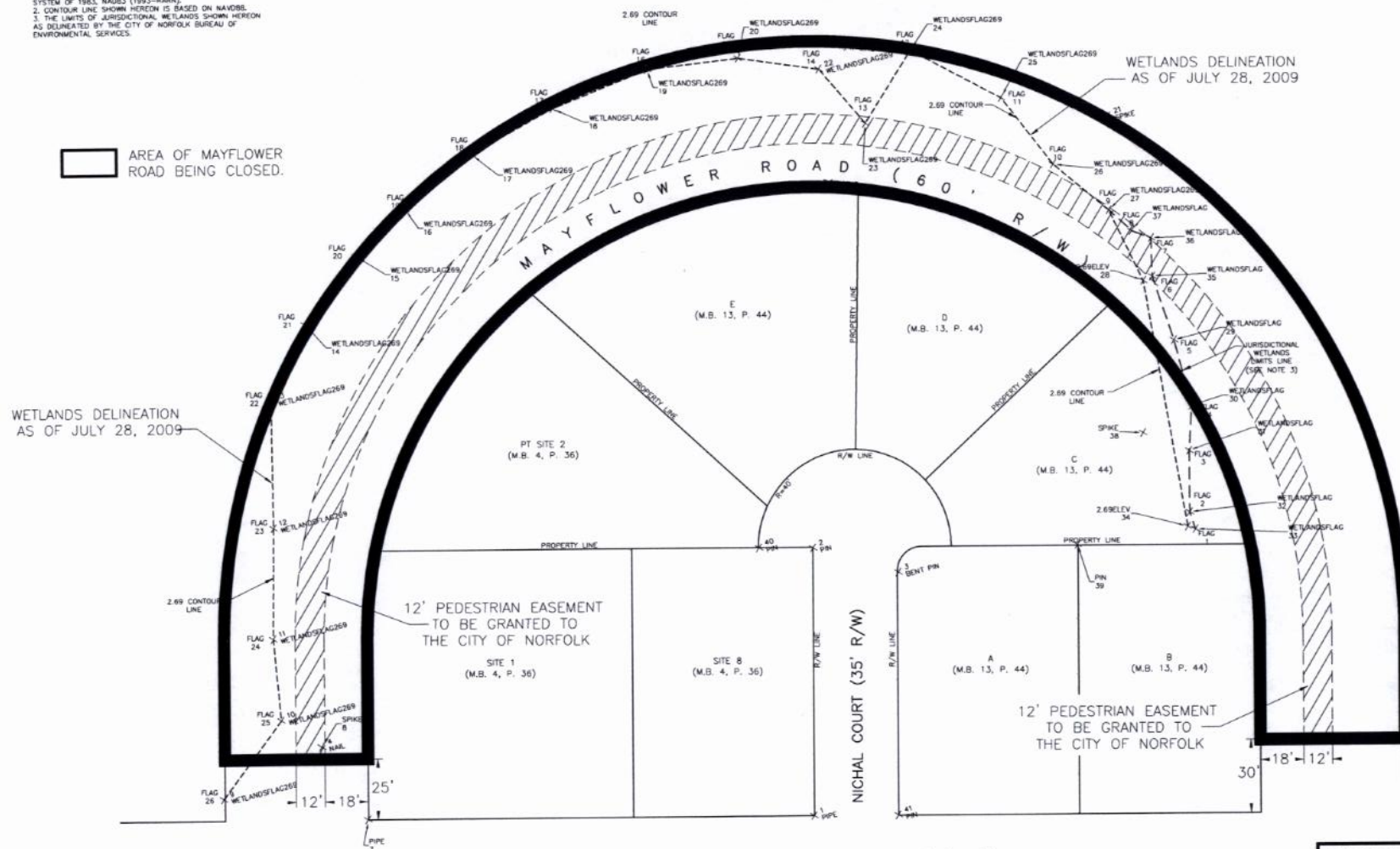
October 31, 2013

tables*

B

1. MERIDIAN SOURCE IS BASED ON THE VIRGINIA COORDINATE SYSTEM OF 1983, NAD83 (1993-HARN).
2. CONTOUR LINE SHOWN HEREON IS BASED ON NAVD83.
3. THE LIMITS OF JURISDICTIONAL WETLANDS SHOWN HEREON AS DELINEATED BY THE CITY OF NORFOLK BUREAU OF ENVIRONMENTAL SERVICES.

AREA OF MAYFLOWER
ROAD BEING CLOSED.



NEW HAMPSHIRE AVENUE (60' R/W)

LF-327

REVISÉ 02-23-2015


EXHIBIT SHOWING 12.00 FOOT PEDESTRIAN EASEMENT
RESERVED BY THE CITY OF NORFOLK
IN CLOSED MAYFLOWER ROAD
NORFOLK, VIRGINIA

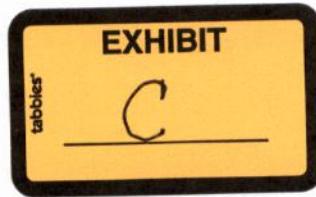


10004

DATE	SCALE	DRAWN BY	CHECKED BY
10-31-2013	1"=20'	WJD	RNM/sjs

DIVISION OF SURVEYS
DEPARTMENT OF PUBLIC WORKS
NORFOLK, VIRGINIA





**Pedestrian Easement West of Site 1, Block 5, in Colonial Place
For Council**

A curve and rectangular shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being a 12' wide pedestrian easement lying west of the following described line: Commencing at the point of intersection of the line between Sites 1 and 2, Block 5, and the eastern line of Mayflower Road as shown on that certain plat entitled, "Colonial Place," said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, in Map Book 4 at Page 36; thence, northwesterly along the extension of the aforesaid line between Sites 1 and 2, Block 5, Colonial Place, eighteen (18) feet to the **Point of Beginning**; thence, southwesterly along the arc of a curve to the left, having a radius of two-hundred three (203) feet, being parallel to the eastern line of Mayflower Road, to a point of tangency; thence, continuing eighteen (18) feet and parallel with the eastern line of Mayflower Road to its **Terminus** at a point twenty five (25) feet north of the northern line of New Hampshire Avenue.

**Pedestrian Easement Northwest of Site 2, Block 5, in Colonial Place
For Council**

A curve-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being a 12' wide pedestrian easement lying northwest of the following described line: Commencing at the point of intersection of the line between Sites 1 and 2, Block 5, and the southeastern line of Mayflower Road as shown on that certain plat entitled, "Colonial Place," said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, in Map Book 4 at Page 36; thence, northwesterly along the extension of the aforesaid line between Sites 1 and 2, Block 5, Colonial Place, eighteen (18) feet to the **Point of Beginning**; thence, northeasterly along the arc of a curve to the right, having a radius of two-hundred three (203) feet, being eighteen (18) feet and parallel to the southeastern line of Mayflower Road, to its **Terminus** at a point on the extension of the line between Site 2, and Lot E, Block 5 as shown on that certain plat entitled, "Plat Showing Re-Subdivision of Sites 3-4-5-6-7 & Part of Site 2, Block 5, Colonial Place," said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, in Map Book 13 at Page 44.

April 21, 2014

**Pedestrian Easement North of Lot E, Block 5, in Colonial Place
For Council**

A curve-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being a 12' wide pedestrian easement lying north, northeast and northwest of the following described line: Commencing at the point of intersection of the line between Site 2 and Lot E, Block 5, and the southern line of Mayflower Road as shown on that certain plat entitled, that certain plat entitled, "Plat Showing Re-Subdivision of Sites 3-4-5-6-7 & Part of Site 2, Block 5, Colonial Place," said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, in Map Book 13 at Page 44; thence, northwesterly along the extension of the aforesaid line between Site 2 and Lot E, Block 5, Plat Showing Re-Subdivision of Sites 3-4-5-6-7 & Part of Site 2, Block 5, Colonial Place," eighteen (18) feet to the **Point of Beginning**; thence, northeasterly, easterly and southeasterly along the arc of a curve to the right, having a radius of two-hundred three (203) feet, being eighteen (18) feet and parallel to the southern line of Mayflower Road, to its **Terminus** at a point on the extension of the line between Lot E and D, Block 5 as shown on the aforesaid plat of "Plat Showing Re-Subdivision of Sites 3-4-5-6-7 & Part of Site 2, Block 5, Colonial Place."

**Pedestrian Easement Northeast of Lot D, Block 5, in Colonial Place
For Council**

A curve-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being a 12' wide pedestrian easement lying northeast of the following described line: Commencing at the point of intersection of the line between Lot E and Lot D, Block 5, and the southwestern line of Mayflower Road as shown on that certain plat entitled, that certain plat entitled, "Plat Showing Re-Subdivision of Sites 3-4-5-6-7 & Part of Site 2, Block 5, Colonial Place," said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, in Map Book 13 at Page 44; thence, northerly along the extension of the aforesaid line between Lot E and Lot D, Block 5, Plat Showing Re-Subdivision of Sites 3-4-5-6-7 & Part of Site 2, Block 5, Colonial Place," eighteen (18) feet to the **Point of Beginning**; thence, southeasterly along the arc of a curve to the right, having a radius of two-hundred three (203) feet, being eighteen (18) feet and parallel to the southern line of Mayflower Road, to its **Terminus** at a point on the extension of the line between Lot D and C, Block 5 as shown on the aforesaid plat of "Plat Showing Re-Subdivision of Sites 3-4-5-6-7 & Part of Site 2, Block 5, Colonial Place."

April 21, 2014

**Pedestrian Easement Northeast of Lot C, Block 5, in Colonial Place
For Council**

A curve-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being a 12' wide pedestrian easement lying northeast of the following described line: Commencing at the point of intersection of the line between Lot D and Lot C, Block 5, and the southwestern line of Mayflower Road as shown on that certain plat entitled, that certain plat entitled, "Plat Showing Re-Subdivision of Sites 3-4-5-6-7 & Part of Site 2, Block 5, Colonial Place," said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, in Map Book 13 at Page 44; thence, northeasterly along the extension of the aforesaid line between Lot D and Lot C, Block 5, Plat Showing Re-Subdivision of Sites 3-4-5-6-7 & Part of Site 2, Block 5, Colonial Place," eighteen (18) feet to the **Point of Beginning**; thence, southeasterly along the arc of a curve to the right, having a radius of two-hundred three (203) feet, being eighteen (18) feet and parallel to the southwest line of Mayflower Road, to its **Terminus** at a point on the extension of the line between Lot C and B, Block 5 as shown on the aforesaid plat of "Plat Showing Re-Subdivision of Sites 3-4-5-6-7 & Part of Site 2, Block 5, Colonial Place."

**Pedestrian Easement east of Lot B 1, Block 5, in Colonial Place
For Council**

A curve and rectangular shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being a 12' wide pedestrian easement lying east of the following described line: Commencing at the point of intersection of the line between Lots C and B, Block 5, and the western line of Mayflower Road as shown on that certain plat entitled, "Plat Showing Re-Subdivision of Sites 3-4-5-6-7 & Part of Site 2, Block 5, Colonial Place," said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, in Map Book 13 at Page 44; thence, northeasterly along the extension of the aforesaid line between Lot C and B, eighteen (18) feet to the **Point of Beginning**; thence, southerly along the arc of a curve to the right, having a radius of two-hundred three (203) feet, being parallel to the western line of Mayflower Road, to a point of tangency; thence, continuing eighteen (18) feet and parallel with the western line of Mayflower Road to its **Terminus** at a point thirty (30) feet north of the northern line of New Hampshire Avenue.

April 21, 2014

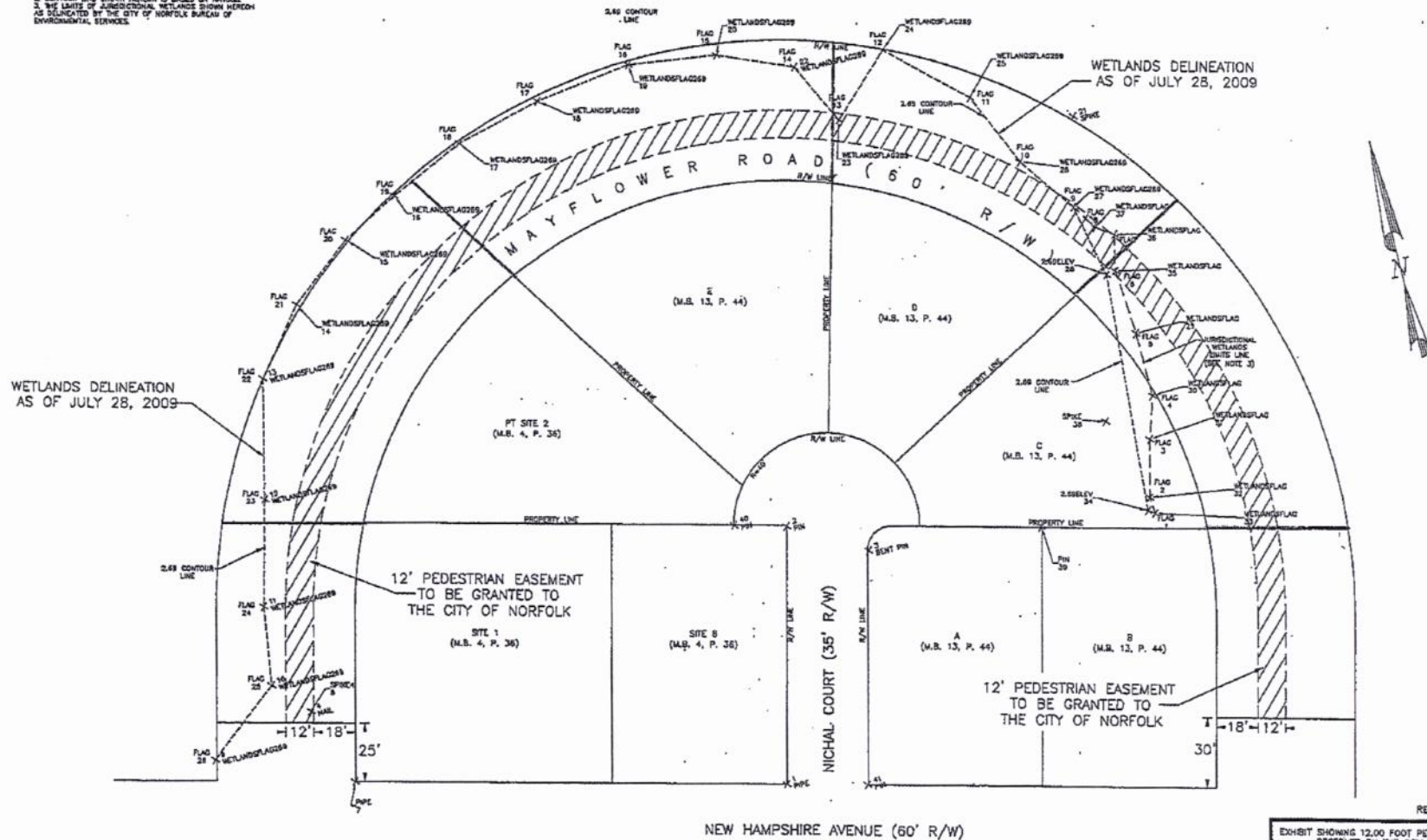
EXHIBIT

tabbies

D

GENERAL NOTES

1. MERIDIAN SOURCE IS BASED ON THE VIRGINIA COORDINATE SYSTEM OF 1883, NAD83 (1983-1986).
2. CONTOUR LINE SHOWN HEREIN IS BASED ON NAVD83.
3. THE LIMITS OF JURISDICTIONAL WETLANDS SHOWN HEREIN AS DELINEATED BY THE CITY OF NORFOLK BUREAU OF ENVIRONMENTAL SERVICES.



REVISED 11-04-2013

EXHIBIT SHOWING 12.00 FOOT PEDESTRIAN EASEMENT
RESERVED BY THE CITY OF NORFOLK
IN CLOSED MAYFLOWER ROAD
NORFOLK, VIRGINIA



100616

DATE	SCALE	DRAWN BY	CHECKED BY
10-21-2013	1"=20'	NJS	NHJ/KJS
DIVISION OF SURVEYS DEPARTMENT OF PUBLIC WORKS NORFOLK, VIRGINIA			

LF-327

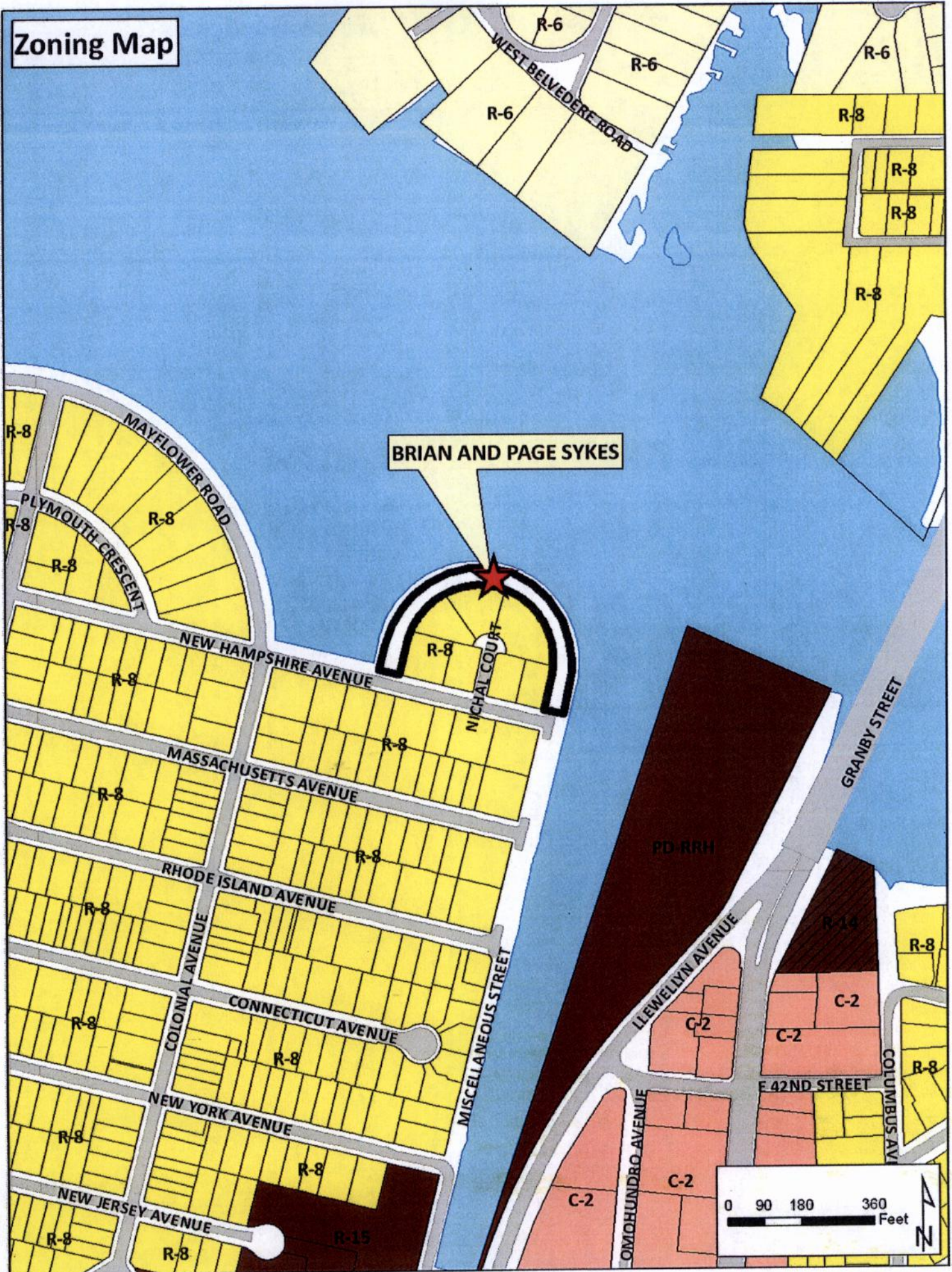
Location Map

BRIAN AND PAGE SYKES



Zoning Map

BRIAN AND PAGE SYKES





City of NORFOLK

To The City Planning Commission
City of Norfolk, Virginia

November 14, 2013

From: Jeffrey K. Raliski, AICP, *AKR*
Long Range Planning Manager

Subject: The closing, vacating and discontinuing Mayflower Road north of New Hampshire Avenue and fronting on the east, north and west of Nichal Court.

Reviewed: George M. Homewood, AICP, *[Signature]*
Assistant Planning Director

Ward/Superward: 2/6

Approved: *[Signature]*
Frank M. Duke, AICP,
Planning Director

Item Number: Continued Item 1

I. **Recommendation:** Staff recommends approval.

II. **Applicant:** Brian and Page Sykes and others

III. **Description:**

This agenda item is to close an unimproved portion of Mayflower Road north of New Hampshire Avenue and fronting on the east, north and west of Nichal Court.

IV. **Analysis**

- The right-of-way to be closed is located within the Colonial Place neighborhood which is developed primarily with single family homes.
- The right-of-way will be utilized to extend yards for the adjoining properties and to undertake shoreline stabilization/improvement efforts.
 - Any proposed shoreline work impacting wetlands will need to be reviewed and approved by the Norfolk Wetlands Board and any other State or federal agency with jurisdiction.
 - Norfolk Department of Planning Environmental Services staff members have provided preliminary shoreline stabilization designs to the adjacent property owners that illustrate "living shoreline" concepts that have been used successfully in other portions of Colonial Place and are the State preferred method of stabilization.
- A continuous twelve-foot pedestrian easement within the 60 foot right-of-way of Mayflower Avenue will be reserved to guarantee ongoing public access along the waterfront in this area.

- After review and coordination with both the Norfolk Department of Recreation, Parks and Open Space and Division of Environmental Services, the public easement is proposed to be located beginning 18 feet from the existing back property lines along the right-of-way placing the northern limit of the easement approximately 30 feet from the existing edge of waterfront.
- This selected easement location is consistent with other recently completed public waterfront walkway improvement projects in Colonial Place just to the south of this location, considers the boundaries of existing wetlands, and provides space for potential changes in the future to the current shoreline edge as individual stabilization projects are advanced.
- The westernmost lot fronting New Hampshire Avenue contains sufficient area and frontage to allow it to be resubdivided at present, so the addition of the adjacent right-of-way will not allow the creation of any new lots.

V. Financial Impact

- No fees have been charged for this street closure since it creates no new buildable lots.
- The addition of the right-of-way to the adjacent parcels should positively impact the value of these properties.

VI. Environmental

Closure of this unimproved right-of-way will not create additional traffic in adjacent neighborhoods.

VII. Community Outreach/Notification

- Legal notice was posted on the property on August 20.
- Letter was sent to the Colonial Place/Riverview Civic League President on August 26.
- Notice was sent to the civic leagues by the Department of Communications on September 10.
- Letters were mailed to all property owners within 300 feet of the property on September 10.
- Legal notification was placed in *The Virginian-Pilot* on September 12 and 19.

VIII. Coordination/Outreach

This letter has been coordinated with the Department of Planning and Community Development, Department of Recreation, Parks and Open Space, and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Location Map
- Zoning Map
- Legal Description
- Easement Location
- Letter to the Civic League

Proponents

Brian Sykes
417 Mayflower Road
Norfolk, VA 23508

Page Sykes
417 Mayflower Road
Norfolk, VA 23508

Randy Stokes
1501 Powhatan Court
Norfolk, VA 23508

Opponent

Andrew Wallach
545 Mayflower Road
Norfolk, VA 23508

Asked Questions

Pete Stoll
4709 Colonial Avenue
Norfolk, VA 23508